

ASSEMBLY BILL

No. 1258

Introduced by Assembly Member Strom-Martin

February 26, 1999

An act to amend Section 113780 of, to add Section 113736 to, and to add Article 21 (commencing with Section 114480) to Chapter 4 of Part 7 of Division 104 of, the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1258, as introduced, Strom-Martin. Public health: agricultural homestay.

The California Uniform Retail Food Facilities Law regulates sanitary standards in retail food establishments.

This bill would provide for the regulation of agricultural homestays, as defined. It would expand the definition of "food establishment" to include an agricultural homestay. Because local health agencies are partially responsible for enforcement of the law's provisions, the expansion of the law constitutes a state-mandated local program.

Because existing law makes a violation of any of its provisions a misdemeanor, by creating a new crime, this bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do

not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 113736 is added to the Health
2 and Safety Code, to read:

3 113736. “Agricultural homestay” means an
4 establishment of 10 overnight guestrooms or less, that
5 provides overnight transient occupancy accommodations
6 incidental and accessory to an existing ranch or farm.
7 Food services shall be incidental to the agricultural
8 homestay operation and may only be provided to the
9 guests of the ranch or farm. The cost of meals provided
10 to the guests shall be included as part of the fee to visit or
11 stay at the ranch or farm. The sale of individual meals to
12 persons who are not guests of the ranch or farm is not
13 allowed.

14 SEC. 2. Section 113780 of the Health and Safety Code
15 is amended to read:

16 113780. “Food establishment” means any room,
17 building, or place, or portion thereof, maintained, used,
18 or operated for the purpose of storing, preparing, serving,
19 manufacturing, packaging, transporting, salvaging, or
20 otherwise handling food at the retail level. “Food
21 establishment” includes a restricted food service
22 transient occupancy establishment, as defined in Section
23 113870, *and an agricultural homestay, as defined in*
24 *Section 113736.*

25 “Food establishment” does not include a commercial
26 food processing establishment as defined in Section
27 111955, at the wholesale level, a mobile food facility,
28 vending machine, satellite food distribution facility,
29 temporary food facility, open-air barbecue, certified



1 farmers' market, stationary mobile food preparation unit,
2 or mobile food preparation unit.

3 SEC. 3. Article 21 (commencing with Section 114480)
4 is added to Chapter 4 of Part 7 of Division 104 of the
5 Health and Safety Code, to read:

6
7 Article 21. Agricultural Homestay
8

9 114480. The Legislature finds and declares as follows:

10 (a) This article is enacted to promote and protect the
11 agricultural industry of the state and for the protection of
12 the public health, safety, and welfare.

13 (b) Agricultural homestays are a sustainable form of
14 agrotourism that benefit the interests of both tourists and
15 local communities.

16 (c) Ranchers and farmers are able to provide
17 agricultural experiences for tourists who are seeking to
18 observe and experience everyday ranch or farm life while
19 also participating in and enjoying the environment and
20 local culture.

21 114481. This article governs general sanitation
22 requirements for an agricultural homestay, as defined in
23 Section 113736.

24 114482. Except as otherwise set forth in this article, an
25 agricultural homestay shall meet the applicable
26 requirements in Article 6 (commencing with Section
27 113975), Article 7 (commencing with Section 113990),
28 and Article 8 (commencing with Section 114075).

29 114483. For purposes of Section 114015, an
30 agricultural homestay is not a "private home" solely
31 because the owner or operator thereof resides on the
32 premises or prepares on the premises food for his or her
33 consumption and that of his or her family.

34 114484. Notwithstanding Section 114021, an
35 agricultural homestay is not required to post signs in toilet
36 rooms in guestrooms.

37 114485. An agricultural homestay is exempt from
38 Section 114045, provided, however, that no live animal,
39 bird, or fowl may be kept or allowed in any portion of the
40 premises where food for the registered guests of the

1 homestay is used, stored, served, offered for sale, or given
2 away. Aquariums and aviaries are allowed if enclosed so
3 as not to create a public health problem.

4 114486. An agricultural homestay is exempt from
5 Section 114065, provided, however, that an enforcement
6 officer has the right to disapprove any new or
7 replacement equipment that would create a public
8 health problem.

9 114487. An agricultural homestay is exempt from
10 Section 114135, provided, however, that no person may
11 store clothing or personal effects in any area used for the
12 storage or preparation of food.

13 114488. (a) All utensils and equipment shall be
14 scrapped, cleaned, or sanitized as circumstances require.

15 (b) An agricultural homestay shall comply with
16 subdivisions (b) to (e), inclusive, of Section 114090 or, at
17 the option of the owner or operator of the homestay, shall
18 utilize a domestic or commercial dishwasher for the
19 purpose of cleaning and sanitizing multiservice kitchen
20 utensils and multiservice consumer utensils, provided
21 that the dishwasher is capable of providing heat to the
22 surface of the utensils of a temperature of at least 165
23 degrees Fahrenheit. Except as otherwise set forth in this
24 subdivision, an agricultural homestay shall comply with
25 Section 114090.

26 114489. Notwithstanding Section 114100, any food
27 preparation sink in an agricultural homestay is not
28 required to have indirect sewer connections.

29 114490. An agricultural homestay is exempt from
30 Section 114140, provided, however, that ventilation shall
31 be provided to remove gases, odors, steam, heat, grease,
32 vapors, and smoke from the homestay. In the event that
33 an enforcement officer determines that the ventilation
34 must be mechanical in nature, the ventilation shall be
35 accomplished by methods approved by the department.

36 114491. In an agricultural homestay, only new and
37 replacement walls and ceilings, or their coverings, need
38 comply with Section 114155, provided, however, that all
39 walls and ceilings, and their coverings, shall be
40 maintained in a clean and sanitary condition.



1 114492. An agricultural homestay is exempt from
2 subdivision (b) of Section 114165, provided, however,
3 that hot water shall be available for janitorial purposes
4 and that waste water from janitorial activities cannot be
5 disposed of in any sink used for washing utensils or for the
6 preparation of food.

7 114493. An agricultural homestay is exempt from
8 Section 114175. However, no sleeping accommodations
9 are allowed in any area where food is stored, prepared, or
10 served.

11 114494. All food intended for consumption by guests
12 shall be from an approved source. The use of home
13 canned foods and meat and dairy products from
14 unapproved sources is prohibited.

15 SEC. 4. Notwithstanding Section 17610 of the
16 Government Code, if the Commission on State Mandates
17 determines that this act contains costs mandated by the
18 state, reimbursement to local agencies and school
19 districts for those costs shall be made pursuant to Part 7
20 (commencing with Section 17500) of Division 4 of Title
21 2 of the Government Code. If the statewide cost of the
22 claim for reimbursement does not exceed one million
23 dollars (\$1,000,000), reimbursement shall be made from
24 the State Mandates Claims Fund.
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